

EXHIBIT 18

Deposition of James Young

Pages: 15, 16, 30, 31, 32, 41, 44, 54, 60

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1 inmate.

2 Q. What does that mean module A?

3 A. Module A, somebody you don't have to
4 yell at, somebody you don't have to redirect
5 five times to do something, somebody that is
6 very compliant. He was a model A inmate, the
7 way you are suppose to be.

8 Q. Did you ever hear anything about what
9 lead to Mr. Freitag's arrest?

10 A. Not after -- not until after the fact
11 of the whole incident that happened.

12 Q. So were you aware that Mr. Freitag was
13 in custody because he attempted to kill
14 himself?

15 A. No.

16 Q. What did you hear about his case after
17 the fact?

18 A. After the fact?

19 Q. Yes.

20 A. He seemed like he had mental health
21 problems, it seemed like he didn't like his
22 ex-wife, drove his car through the front of her
23 house. We also seen that he attempted suicide
24 in the vehicle, and that pretty much lead to

1 his arrest.

2 Q. So it sounds like you learned after the
3 fact that Mr. Freitag had some mental health
4 issues; is that right?

5 A. I would say mental health and suicidal
6 tendencies.

7 Q. You did not know that beforehand; is
8 that right?

9 A. That is correct.

10 Q. Let's get back to what others could
11 have done to prevent his death. The first
12 thing you told me is that Mr. Freitag could
13 have tried to stay out of jail, right?

14 A. Probably the easiest way for anyone not
15 to commit suicide in jail is to stay out of
16 jail.

17 Q. Is there anybody else in the prison who
18 could have prevented his death?

19 A. I don't think so. Negative, no, I
20 don't think so.

21 Q. Did you ever hear anyone say that they
22 could have done something to prevent his death?

23 A. In his personal situation, if anybody
24 could have helped him that day?

1 Q. It is a general population block,
2 right?

3 A. Yes, sir.

4 Q. 46 cells, and you used the number
5 before, each of those are two man cells, right?

6 A. Yes, sir.

7 Q. Max population is 92; is that correct?

8 A. Yes, sir.

9 Q. Back in 2018 did you typically have
10 full occupancy in that module?

11 A. As far as I remember we were 92 at that
12 time. I don't know if it was less or more, but
13 I am pretty sure it was a steady 92.

14 Q. By the way, I intended to say before, I
15 don't remember whether I asked it, that is a
16 general population block, right?

17 A. Yes, sir.

18 Q. Would you have all security
19 classifications or would it be limited to --
20 limited number of security classification?

21 A. You would be limited to a number of
22 security classes, but the other securities that
23 went along with that block were housed on other
24 blocks so they are PC individuals or touches as

1 they call them, would be on another unit.

2 Q. One of the numbers that you mentioned
3 were people on watch. At any given time how
4 many people tended to be on watch on B module
5 back in August of 2018?

6 A. I would say it could be anywhere from
7 zero, typically kept it under 10, so zero to
8 nine.

9 Q. That is something that you would pay
10 attention to, from the moment you got in at the
11 start of the shift, right?

12 A. Sure.

13 Q. You were explaining to me how the shift
14 would start. Tell me what does the rest of the
15 shift look like?

16 A. Eventually we would open them, we would
17 run them to chow, come back from chow, close
18 the dayroom down until they got done with their
19 cleaning and stuff like that, and then just
20 normal duties, 9 o'clock one tier would come
21 out for yard till 11, 11 o'clock everybody
22 would come out, 12:30 was count, 1 o'clock the
23 other tier would come out from 1 to 3.

24 Q. How many officers were typically

1 assigned to the B module at a time?

2 A. Two.

3 Q. Was there someone who you normally
4 would partner with or would there be an SA who
5 would come in and rotate?

6 A. On that specific day or just any given
7 day?

8 Q. Yeah, so what I am really asking, sir,
9 back in August of 2018 was there a standard
10 rotation where you and a partner were always
11 assigned together to B module?

12 A. Yes.

13 Q. Who was that?

14 A. There was two of them.

15 Q. Who were they?

16 A. One was Alex Perez, and the other one
17 was Jesse Rodriguez, but he was the one who
18 called out that Saturday.

19 Q. Who, Rodriguez?

20 A. Yes, sir.

21 Q. So if Rodriguez called out that left
22 you with Officer Moody; is that right?

23 A. Yes.

24 Q. Had you worked with Officer Moody

1 you go home.

2 Q. I take it you are aware that there are
3 rules which require you to take certain action
4 with regard to suicide precautions?

5 A. There is rules I would imagine, sure,
6 there is rules.

7 Q. Okay. Are you familiar with the
8 different levels of suicide precautions that
9 are used at the prison?

10 A. Negative.

11 Q. You don't know anything about the
12 different levels?

13 A. Majority of the time on Bravo we never
14 had anyone on a suicide watch. Suicide watch
15 in this jail is normally the restricted housing
16 unit, the mental health unit, and other
17 designated units have another inmate watch
18 another inmate.

19 Bravo is normally a GP block, whether
20 it is a bunch of gang bangers, drug dealers,
21 people like that. They normally don't house
22 anybody other than that. They don't put
23 touches down there, they just put the regular
24 GP in each cell.

1 see level 3?

2 A. Yes.

3 Q. Do me a favor, just read to yourself
4 from that whole description of level 3, when
5 you are finished I will ask you some questions.

6 A. Okay.

7 Q. Does this -- first of all, is this news
8 to you or were you aware of what is required
9 here for level 3?

10 A. No, I just don't know what the numbers
11 are.

12 Q. So have you ever heard level 3 referred
13 to as regular watch?

14 A. Yeah, it is the regular watch.

15 Q. So your understanding then is that
16 under regular watch next to B, I am going to
17 highlight this, the inmate monitor is required
18 to observe the person's activities every 15
19 minutes, right?

20 A. Sure.

21 Q. They log them on the monitor forms; is
22 that right?

23 A. That is what they are suppose to do.

24 Q. Let me stop there. You say they are

1 make decisions to what level of watch is
2 appropriate, right?

3 A. Sure.

4 Q. When a mental health provider or case
5 manager says this person is on regular watch,
6 your job is to implement that watch to the best
7 of your ability; is that right?

8 A. Yes.

9 Q. Now, back to Exhibit 7. Do you see it
10 in front of you, sir?

11 A. Yes.

12 Q. Going down to page 5. Before I get
13 there, this section of the policy, if you want
14 to read more, tell me, inmate monitor forms.
15 Do you see here next to the letter E is the
16 module officer's responsibility to assure that
17 inmate monitors are using IMF's correctly. Do
18 you see that, sir?

19 A. Yes.

20 Q. Are you aware under this policy that it
21 is your responsibility to do so?

22 A. Yes.

23 Q. Officer, do you agree?

24 A. Sure, yes.

1 that right?

2 A. That's correct.

3 Q. My understanding is that he was on the
4 B module for probably a couple of months before
5 his death. During that time do you remember
6 him being on regular watch at other times?

7 A. I believe he was on regular watch at
8 other times.

9 Q. If he was on a more intensive watch,
10 level 2 or level 1, would that have taken place
11 on the B module?

12 A. Negative, he would have went to either
13 E or G.

14 Q. I think you told me before that B
15 module cannot house people on that level of
16 precautions; is that correct?

17 A. Correct.

18 Q. Did you ever hear any discussion about
19 Mr. Freitag's mental health issues prior to
20 August 25th?

21 A. Negative.

22 Q. Did you ever hear Mr. Freitag talking
23 about the fact that he was nervous about his
24 sentencing?